

**AMENDMENT TO H.R. 3231, AS REPORTED**  
**OFFERED BY MR. SENSENBRENNER OF**  
**WISCONSIN**

Page 2, after the item relating to section 10, insert the following (and redesignate succeeding items accordingly):

“Sec. 11. Voluntary separation incentive payments.

“Sec. 12. Authority to conduct a demonstration project relating to disciplinary action.

Page 15, line 15, strike “15(a)” and insert “17(a)”.

Page 17, line 9, strike “15(a)” and insert “17(a)”.

Page 18, line 1, strike “15(a)” and insert “17(a)”.

Page 20, after line 21, insert the following:

1           (5) MANAGERIAL ROTATION PROGRAM.—

2                 (A) IN GENERAL.—Not later than 1 year

3 after the effective date specified in section

4 18(a), the Director of the Bureau of Citizenship

5 and Immigration Services shall design and im-

6 plement a managerial rotation program under

7 which employees of such bureau holding posi-

8 tions involving supervisory or managerial re-

9 sponsibility and classified, in accordance with

10 chapter 51 of title 5, United States Code, as a



1 GS-14 or above, shall, as a condition on further  
2 promotion—

3 (i) gain some experience in all the  
4 major functions performed by such bureau;  
5 and

6 (ii) work in at least one field office  
7 and one service center of such bureau.

8 (B) REPORT.—Not later than 2 years after  
9 the effective date specified in section 17(a), the  
10 Attorney General shall submit a report to the  
11 Congress on the implementation of such pro-  
12 gram.

Page 21, line 4, strike “15(a)” and insert “17(a)”.

Page 21, line 13, strike “15(a)” and insert “17(a)”.

Page 25, line 20, strike “15(a)” and insert “17(a)”.

Page 32, after line 20, insert the following:

13 (4) MANAGERIAL ROTATION PROGRAM.—

14 (A) IN GENERAL.—Not later than 1 year  
15 after the effective date specified in section  
16 17(a), the Director of the Bureau of Immigra-  
17 tion Enforcement shall design and implement a  
18 managerial rotation program under which em-  
19 ployees of such bureau holding positions involv-  
20 ing supervisory or managerial responsibility and



1           classified, in accordance with chapter 51 of title  
2           5, United States Code, as a GS-14 or above,  
3           shall, as a condition on further promotion—

4                   (i) gain some experience in all the  
5                   major functions performed by such bureau;  
6                   and

7                   (ii) work in at least one field office  
8                   and one border patrol sector of such bu-  
9                   reau.

10           (B) REPORT.—Not later than 2 years after  
11           the effective date specified in section 17(a), the  
12           Attorney General shall submit a report to the  
13           Congress on the implementation of such pro-  
14           gram.

Page 33, line 3, strike “15(a)” and insert “17(a)”.

Page 37, line 3, strike “15(a)” and insert “17(a)”.

Page 38, line 14, strike “15(a)” and insert “17(a)”.

Page 39, line 16, strike “15(a)” and insert “17(a)”.

Page 40, line 18, strike “15(a)” and insert “17(a)”.

Page 42, line 16, strike “15(a)” and insert “17(a)”.

Page 43, line 6, strike “15(a)” and insert “17(a)”.

Page 45, line 7, strike “15(a)” and insert “17(a)”.



Page 47, after line 9, insert the following:

1 **SEC. 11. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**

2 (a) DEFINITIONS.—For purposes of this section—

3 (1) the term “employee” means an employee  
4 (as defined by section 2105 of title 5, United States  
5 Code) who—

6 (A) has completed at least 3 years of cur-  
7 rent continuous service with 1 or more covered  
8 entities; and

9 (B) is serving under an appointment with-  
10 out time limitation;

11 but does not include any person under subpara-  
12 graphs (A)-(G) of section 663(a)(2) of Public Law  
13 104–208 (5 U.S.C. 5597 note);

14 (2) the term “covered entity” means—

15 (A) the Immigration and Naturalization  
16 Service;

17 (B) the Office of Immigration Litigation of  
18 the Civil Division;

19 (C) the Office of the Associate Attorney  
20 General for Immigration Affairs;

21 (D) the Bureau of Immigration Enforce-  
22 ment; and

23 (E) the Bureau of Citizenship and Immi-  
24 gration Services; and



1 (3) the term “transfer date” means the date on  
2 which the transfer of functions specified under this  
3 Act takes effect.

4 (b) STRATEGIC RESTRUCTURING PLAN.—Before ob-  
5 ligating any resources for voluntary separation incentive  
6 payments under this section, the Attorney General shall  
7 submit to the appropriate committees of Congress a stra-  
8 tegic restructuring plan, which shall include—

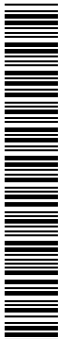
9 (1) an organizational chart depicting the cov-  
10 ered entities after their restructuring pursuant to  
11 this Act;

12 (2) a summary description of how the authority  
13 under this section will be used to help carry out that  
14 restructuring; and

15 (3) the information specified in section  
16 663(b)(2) of Public Law 104–208 (5 U.S.C. 5597  
17 note).

18 As used in the preceding sentence, the “appropriate com-  
19 mittees of Congress” are the Committees on Appropria-  
20 tions, Government Reform, and the Judiciary of the  
21 House of Representatives, and the Committees on Appro-  
22 priations, Governmental Affairs, and the Judiciary of the  
23 Senate.

24 (c) AUTHORITY.—The Attorney General may, to the  
25 extent necessary to help carry out the strategic restruc-



1 turing plan described in subsection (b), make voluntary  
2 separation incentive payments to employees. Any such  
3 payment—

4 (1) shall be paid to the employee, in a lump  
5 sum, after the employee has separated from service;

6 (2) shall be paid from appropriations or funds  
7 available for the payment of basic pay of the em-  
8 ployee;

9 (3) shall be equal to the lesser of—

10 (A) the amount the employee would be en-  
11 titled to receive under section 5595(c) of title 5,  
12 United States Code; or

13 (B) an amount not to exceed \$25,000, as  
14 determined by the Attorney General;

15 (4) may not be made except in the case of any  
16 qualifying employee who voluntarily separates  
17 (whether by retirement or resignation) before the  
18 end of—

19 (A) the 3-month period beginning on the  
20 date on which such payment is offered or made  
21 available to such employee; or

22 (B) the 3-year period beginning on the  
23 date of the enactment of this Act,  
24 whichever occurs first;



1 (5) shall not be a basis for payment, and shall  
2 not be included in the computation, of any other  
3 type of Government benefit; and

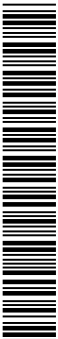
4 (6) shall not be taken into account in deter-  
5 mining the amount of any severance pay to which  
6 the employee may be entitled under section 5595 of  
7 title 5, United States Code, based on any other sepa-  
8 ration.

9 (d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE  
10 RETIREMENT FUND.—

11 (1) IN GENERAL.—In addition to any payments  
12 which it is otherwise required to make, the Depart-  
13 ment of Justice shall, for each fiscal year with re-  
14 spect to which it makes any voluntary separation in-  
15 centive payments under this section, remit to the Of-  
16 fice of Personnel Management for deposit in the  
17 Treasury of the United States to the credit of the  
18 Civil Service Retirement and Disability Fund the  
19 amount required under paragraph (2).

20 (2) AMOUNT REQUIRED.—The amount required  
21 under this paragraph shall, for any fiscal year, be  
22 the amount under subparagraph (A) or (B), which-  
23 ever is greater.

24 (A) FIRST METHOD.—The amount under  
25 this subparagraph shall, for any fiscal year, be

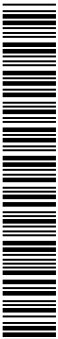


1 equal to the minimum amount necessary to off-  
2 set the additional costs to the retirement sys-  
3 tems under title 5, United States Code (payable  
4 out of the Civil Service Retirement and Dis-  
5 ability Fund) resulting from the voluntary sepa-  
6 ration of the employees described in paragraph  
7 (3), as determined under regulations of the Of-  
8 fice of Personnel Management.

9 (B) SECOND METHOD.—The amount  
10 under this subparagraph shall, for any fiscal  
11 year, be equal to 45 percent of the sum total  
12 of the final basic pay of the employees described  
13 in paragraph (3).

14 (3) COMPUTATIONS TO BE BASED ON SEPARA-  
15 TIONS OCCURRING IN THE FISCAL YEAR IN-  
16 VOLVED.—The employees described in this para-  
17 graph are those employees who receive a voluntary  
18 separation incentive payment under this section  
19 based on their separating from service during the  
20 fiscal year with respect to which the payment under  
21 this subsection relates.

22 (4) FINAL BASIC PAY DEFINED.—In this sub-  
23 section, the term “final basic pay” means, with re-  
24 spect to an employee, the total amount of basic pay  
25 which would be payable for a year of service by such





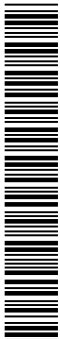
1 employee, computed using the employee's final rate  
2 of basic pay, and, if last serving on other than a  
3 full-time basis, with appropriate adjustment there-  
4 for.

5 (e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH  
6 THE GOVERNMENT.—An individual who receives a vol-  
7 untary separation incentive payment under this section  
8 and who, within 5 years after the date of the separation  
9 on which the payment is based, accepts any compensated  
10 employment with the Government or works for any agency  
11 of the Government through a personal services contract,  
12 shall be required to pay, prior to the individual's first day  
13 of employment, the entire amount of the incentive pay-  
14 ment. Such payment shall be made to the covered entity  
15 from which the individual separated or, if made on or after  
16 the transfer date, to the Associate Attorney General for  
17 Immigration Affairs (for transfer to the appropriate com-  
18 ponent of the Department of Justice, if necessary).

19 (f) EFFECT ON EMPLOYMENT LEVELS.—

20 (1) INTENDED EFFECT.—Voluntary separations  
21 under this section are not intended to necessarily re-  
22 duce the total number of full-time equivalent posi-  
23 tions in any covered entity.

24 (2) USE OF VOLUNTARY SEPARATIONS.—A cov-  
25 ered entity may redeploy or use the full-time equiva-



1       lent positions vacated by voluntary separations  
2       under this section to make other positions available  
3       to more critical locations or more critical occupa-  
4       tions.

5   **SEC. 12. AUTHORITY TO CONDUCT A DEMONSTRATION**  
6                   **PROJECT RELATING TO DISCIPLINARY AC-**  
7                   **TION.**

8       (a) IN GENERAL.—The Attorney General may, dur-  
9       ing a period ending not later than 5 years after the date  
10      of the enactment of this Act, conduct a demonstration  
11      project for the purpose of determining whether one or  
12      more changes in the policies or procedures relating to  
13      methods for disciplining employees would result in im-  
14      proved personnel management.

15      (b) SCOPE.—The demonstration project—

16           (1) may not cover any employees apart from  
17      those employed in or under a covered entity; and

18           (2) shall not be limited by any provision of  
19      chapter 43, 75, or 77 of title 5, United States Code.

20      (c) PROCEDURES.—Under the demonstration  
21      project—

22           (1) the use of alternative means of dispute reso-  
23      lution (as defined in section 571 of title 5, United  
24      States Code) shall be encouraged, whenever appro-  
25      priate; and



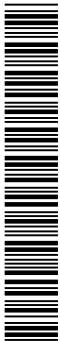
1           (2) each covered entity shall be required to pro-  
2       vide for the expeditious, fair, and independent review  
3       of any action to which section 4303 or subchapter  
4       II of chapter 75 of such title 5 would otherwise  
5       apply (except an action described in section 7512(5)  
6       thereof).

7       (d) ACTIONS INVOLVING DISCRIMINATION.—Not-  
8       withstanding any other provision of this section, if, in the  
9       case of any matter described in section 7702(a)(1)(B) of  
10      title 5, United States Code, there is no judicially review-  
11      able action under the demonstration project within 120  
12      days after the filing of an appeal or other formal request  
13      for review (referred to in subsection (c)(2)), an employee  
14      shall be entitled to file a civil action to the same extent  
15      and in the same manner as provided in section 7702(e)(1)  
16      of such title 5 (in the matter following subparagraph (C)  
17      thereof).

18      (e) CERTAIN EMPLOYEES.—Employees shall not be  
19      included within any project under this section if such em-  
20      ployees are—

21           (1) neither managers nor supervisors; and

22           (2) within a unit with respect to which a labor  
23      organization is accorded exclusive recognition under  
24      chapter 71 of title 5, United States Code.



1 Notwithstanding the preceding sentence, an aggrieved em-  
2 ployee within a unit (referred to in paragraph (2)) may  
3 elect to participate in a complaint procedure developed  
4 under the demonstration project in lieu of any negotiated  
5 grievance procedure and any statutory procedure (as such  
6 term is used in section 7121 of such title 5).

7 (f) REPORTS.—The General Accounting Office shall  
8 prepare and submit to the Committees on Government Re-  
9 form and the Judiciary of the House of Representatives  
10 and the Committees on Governmental Affairs and the Ju-  
11 diciary of the Senate periodic reports on any demonstra-  
12 tion project conducted under this section, such reports to  
13 be submitted after the second and fourth years of its oper-  
14 ation. Upon request, the Attorney General shall furnish  
15 such information as the General Accounting Office may  
16 require to carry out this subsection.

17 (g) DEFINITIONS.—In this section—

18 (1) the term “Attorney General” means the At-  
19 torney General or his designee; and

20 (2) the term “covered entity” has the meaning  
21 given such term in section 11(a)(2).

Page 47, line 10, strike “11” and insert “13”.

Page 48, line 21, strike “15(a)” and insert “17(a)”.

Page 51, strike lines 16 through 20.



Page 51, line 21, strike “12” and insert “14”.

Page 53, line 24, strike “11(b)” and insert “13(b)”.

Page 57, line 1, strike “15(a)” and insert “17(a)”.

Page 57, line 23, strike “15(a)” and insert “17(a)”.

Page 58, line 18, strike “15(a)” and insert “17(a)”.

Page 60, line 15, strike “15(a)” and insert “17(a)”.

Page 60, line 20, strike “13” and insert “15”.

Page 62, line 22, strike “14” and insert “16”.

Page 63, line 7, strike “15” and insert “17”.

Page 64, line 13, strike “16” and insert “18”.

